

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 24, 2010

LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 105  
Austin, Texas 78711-3087

Re: ED's Decision on Hearing Requests on Midway Industrial Park, LLC. Air Quality  
Permit No. 76962  
TCEQ Docket No. 2010-2075-AIR

Dear Ms. Castañuela:

On February 14, 2011, the Executive Director's Response to Hearing Requests for the above referenced matter along with the Certificate of Service, the Map of Hearing Requesters, and the mailing list was physically filed with the Chief Clerk and physically mailed to the hearing requesters and other interested persons. However, when the document was e-filed with the Chief Clerk and e-mailed to various offices within the TCEQ, it was filed without the Map of Hearing Requesters and without the mailing list. Attached is a copy of the complete document, which includes the Map of Hearing Requesters and the mailing list.

If you have any questions, please do not hesitate to call me at extension 2253.

Sincerely,

A handwritten signature in cursive script that reads "Douglas M. Brown".

Douglas M. Brown  
Staff Attorney  
Environmental Law Division

Enclosure

**TCEQ AIR QUALITY PERMIT NUMBER 76962**  
**TCEQ DOCKET NO. 2010-2075-AIR**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
<b>Midway Industrial Park, LLC</b>	<b>§</b>	<b>COMMISSION ON</b>
<b>Railcar Cleaning Facility</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>Nash, Bowie County</b>	<b>§</b>	

**EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS**

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this response (Response) to the requests for a contested case hearing submitted by persons listed herein. The Texas Clean Air Act (TCAA) §382.056(n) requires the Commission to consider hearing requests in accordance with the procedures provided in Tex. Water Code §5.556.<sup>1</sup> This statute is implemented through the rules in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F.

A map showing the location of the site for the proposed facility is included with this response and has been provided to all persons on the attached mailing list. In addition, a current compliance history report, technical review summary, modeling audit, and draft permit prepared by the ED's staff will be filed with the TCEQ's Office of Chief Clerk for the Commission's consideration. Finally, the ED's Response to Public Comments (RTC), which was mailed by the chief clerk to all persons on the mailing list, is on file with the chief clerk for the Commission's consideration.

**I. Application Request and Background Information**

Midway Industrial Park, LLC (Applicant or Midway) has applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA), §382.0518. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize Applicant to construct a railcar cleaning facility. The facility is located approximately 2.5 miles west of Nash, Bowie County, Texas on U.S. Highway 82 at intersection of F.M. 2148 and then south on F.M. 2148 across the railroad tracks. Contaminants authorized under this permit include volatile organic compounds (VOCs), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), hydrogen chloride (HCl), ammonia (NH<sub>3</sub>), and particulate matter (PM).

The permit application was received on September 22, 2005, and was assigned to Project No. 118307. The permit application was declared administratively complete on

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<sup>1</sup> Statutes cited in this response may be viewed online at [www.capitol.state.tx.us/statutes/statutes.html](http://www.capitol.state.tx.us/statutes/statutes.html). Relevant statutes are found primarily in the Texas Health and Safety Code and the Texas Water Code. The rules in the Texas Administrative Code may be viewed online at [www.sos.state.tx.us/tac/index.shtml](http://www.sos.state.tx.us/tac/index.shtml), or follow the "Rules, Policy & Legislation" link on the TCEQ website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

September 27, 2005. The Notice of Receipt and Intent (NORI) to Obtain an Air Quality Permit (public notice) for a permit application was published on October 18, 2005, in the *Texarkana Gazette*. This permit went through two deficiency cycles: the first on December 5, 2005 and the second on February 8, 2006. A meeting with the company was held on May 11, 2006 to discuss the proper steps and appropriate modeling that TCEQ required for authorization of chemical flexibility. Conversations with our agency modelers, the permit reviewer, and the company occurred, and the company finalized the modeling exercise on July 31, 2006. TCEQ's modeling section finished auditing the company's modeling on August 23, 2006. A meeting was held once more with the company on October 6, 2006, and the company was asked to re-run some of its previous modeling, which was finalized on November 30, 2006. Various meetings were held with the company, and seven deficiency cycles transpired prior to a public meeting. These deficiency dates were November 30, 2006, February 20, 2007, May 13, 2007, July 6, 2007, July 13, 2007, and September 7, 2007. A public meeting was held on November 1, 2007 in Texarkana. The notice of public meeting was published on October 10, 2007 in the *Texarkana Gazette*. After the meeting a deficiency cycle was started on November 14, 2007. Additional meetings were held with the company on February 8 and 25, 2008, where the company stated that the initial scope of the construction permit was changing. This in turn resulted in eight additional deficiency cycles, February 25, 2008, July 31, 2008, September 15, 2008, November 8, 2008, March 7, 2009, April 22, 2009, and May 20, 2009. An additional modeling cycle that was completed on January 6, 2009.

The Notice of Application and Preliminary Decision (NAPD) of this Air Quality Permit was published on June 16, 2009. The application was originally noticed as a flexible permit pursuant to Title 30 of the Texas Administrative Code Chapter 116, Subchapter G. However, Applicant later determined the Subchapter G authorization was unnecessary and inappropriate for its proposed facility. Therefore, Applicant re-noticed its permit on July 27, 2010 to clarify that it was seeking a routine New Source Review permit pursuant to Title 30 of the Texas Administrative Code Chapter 116, Subchapter B rather than a Subchapter G flexible permit. The public comment period ended on August 26, 2010.

The Office of Chief Clerk received 9 timely hearing requests from the following persons: Margaret Earnest, Robert Earnest, Charlene Elliot, and Joseph Elliot. Also, an attorney sent in timely hearing requests on behalf of Earl Sabo, Emily Sabo, Don Rich, and Betty Rich. Lastly, a timely hearing request was received from the Concerned Citizens of Beaver Lake Estates (Concerned Citizens), which includes: Gail Earnest, Norman Earnest, Amy Yeldell, Thomas Yeldell, David Christian, Linda Christian, Mark Missildine, Sherry Missildine, John Brooks, Nancy Brooks, Rory Heflin, Cathy Heflin, Shirley Daniels, Dan Daniels, Sara Williamson, Jerry Williamson, Barbara Simpson, Calvert Simpson, Norma Shanks, Dan Shanks, Bryan Strand, Louie Patton, and Cora Patton.

The ED's Response to Comments (RTC) was filed with the chief clerk on October 15, 2010 and mailed on November 23, 2010 to all interested persons, including those who asked to be placed on the mailing list for this application and those who submitted comment or requests for contested case hearing. The cover letter attached to the RTC included information about making requests for contested case hearing or for reconsideration of the ED's decision.<sup>2</sup> The letter also explained hearing requesters should specify any of the ED's responses to comments they dispute and the factual basis of the dispute, in addition to listing any disputed issues of law or policy.

## **II. Applicable Law**

The Commission must assess the timeliness and form of the hearing requests, as discussed above. The form requirements are set forth in 30 TAC § 55.201(d):

(d) A hearing request must substantially comply with the following:

- 1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and, where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- 2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requester's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requester believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- 3) request a contested case hearing;

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<sup>2</sup> See TCEQ rules at 30 TAC Chapter 55, Subchapter F. Procedural rules for public input to the permit process are found primarily in 30 TAC Chapters 39, 50, 55 and 80.

- 4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requester should, to the extent possible, specify any of the executive director's responses to comments that the requester disputes and the factual basis of the dispute and list any disputed issues of law or policy; and
- 5) provide any other information specified in the public notice of application.

The next necessary determination is whether the requests were filed by "affected persons" as defined by Tex. Water Code § 5.115, and implemented in Commission rule 30 TAC § 55.203. Under 30 TAC § 55.203, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest. Local governments with authority under state law over issues raised by the application receive affected person status under 30 TAC § 55.203(b).

In determining whether a person is affected, 30 TAC § 55.203(c) requires all factors be considered, including, but not limited to, the following:

- 1) whether the interest claimed is one protected by the law under which the application will be considered;
- 2) distance restrictions or other limitations imposed by law on the affected interest;
- 3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- 4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- 5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- 6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

In addition to the requirements noted above regarding affected person status, in accordance with 30 TAC § 55.205(a), a group or association may request a contested case hearing only if the group or association meets all of the following requirements:

- 1) One or more members of the group or association would otherwise have standing to request a hearing in their own right;
- 2) the interests the group or association seeks to protect are germane to the organization's purpose; and
- 3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.<sup>3</sup>

If the Commission determines a hearing request is timely and fulfills the requirements for proper form and the hearing requester is an affected person, the Commission must apply a three-part test to the issues raised in the matter to determine if any of the issues should be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing. The three-part test in 30 TAC § 50.115(c) is as follows: The issue must involve a disputed question of fact;

- 1) The issue must involve a disputed question of fact;
- 2) The issue must have been raised during the public comment period; and
- 3) The issue must be relevant and material to the decision on this application.

The law applicable to the proposed facility may generally be summarized as follows. A person who owns or operates a facility or facilities that will emit air contaminants is required to obtain authorization from the Commission prior to the construction and operation of the facility or facilities.<sup>4</sup> Thus, the location and operation of the proposed facility requires authorization under the TCAA. Permit conditions of general applicability must be in rules adopted by the Commission.<sup>5</sup> Those rules are found in 30 TAC Chapter 116. In addition, a person is prohibited from emitting air contaminants or performing any activity that violates the TCAA or any Commission rule or order, or that causes or contributes to air pollution.<sup>6</sup> The relevant rules regarding air emissions are found in 30 TAC Chapters 101 and 111-118. In addition, the Commission has the authority to establish and enforce permit conditions consistent with this chapter.<sup>7</sup>

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<sup>3</sup> 30 TAC § 55.205(a)

<sup>4</sup> TEXAS HEALTH & SAFETY CODE § 382.0518

<sup>5</sup> TEXAS HEALTH & SAFETY CODE § 382.0513

<sup>6</sup> TEXAS HEALTH & SAFETY CODE § 382.085 (a) and (b).

<sup>7</sup> TEXAS HEALTH & SAFETY CODE § 382.0513

### III. Analysis of Hearing Requests

*A. Were the requests for a contested case hearing in this matter timely and in proper form?*

The following persons or groups submitted timely hearing requests and provided an address that is within one mile of the proposed facility (see attached map): Margaret Earnest, Robert Earnest, Charlene Elliot, Joseph Elliot, Earl Sabo, Emily Sabo, Don Rich, Betty Rich, and the Concerned Citizens.

The hearing requests were submitted during the public comment period or during the period for requesting a contested case hearing after the filing of the ED's RTC. Furthermore, the ED has determined the hearing requests of all the requesters substantially comply with all of the requirements for form in 30 TAC § 55.201(d).

The ED addressed all public comments in this matter by providing responses in the RTC. The cover letter from the Office of the Chief Clerk attached to the RTC states that requesters should, to the extent possible, specify any of the ED's responses in the RTC that the requesters dispute and the factual basis of the dispute, and list any disputed issues of law or policy.<sup>8</sup> The ED is unaware that any responses were filed by any of the hearing requesters. In the absence of a response from any of the hearing requesters or their representatives within the thirty-day period after the RTC was mailed, the ED cannot determine or speculate whether the hearing requesters continue to dispute issues of fact, or whether there are any outstanding issues of law or policy. The ED assumes the requesters continue to dispute all of the issues raised by hearing requesters and commenters regarding this application as listed below.

*B. Are those who requested a contested case hearing in this matter affected persons?*

All of the requesters have demonstrated that they are "affected persons" as defined in 30 TAC § 55.203. The threshold test of affected person status is whether the requester has a personal justiciable interest affected by the application, and this interest is different from that of the general public.<sup>9</sup> All of the hearing requesters who submitted requests on this application listed at least one personal justiciable interest affected by the application. Distance from the proposed facility is key to the issue whether or not there is a likely impact of the regulated activity on a person's interests such as the health and safety of the person, and on the use of property of the person. The ED has identified the following requesters who reside at or within 1 mile of the proposed facility and thus may be affected in a manner different from the general public (see the attached map for individual requesters): Margaret Earnest, Robert Earnest, Charlene Elliot, Joseph Elliot,

<sup>8</sup> See 30 TAC § 55.201(d)(4).

<sup>9</sup> *United Copper Industries and TNRCC v. Joe Grissom*, 17 S.W.3d 797 (Tex. App.-Austin, 2000)

Earl Sabo, Emily Sabo, Don Rich, Betty Rich, and the Concerned Citizens.

*C. Do those groups who requested a hearing meet the group or associational standing requirements?*

Amy Yeldell sent in a timely hearing request on behalf of the Concerned Citizens of Beaver Lake Estates. The request stated that Beaver Lake Estates was within one-third mile of the proposed facility. Amy Yeldell signed the request as a representative of the Concerned Citizens of Beaver Lake Estates and attached a list of the names and addresses of the Concerned Citizens. The Concerned Citizens include: Gail Earnest, Norman Earnest, Amy Yeldell, Thomas Yeldell, David Christian, Linda Christian, Mark Missildine, Sherry Missildine, John Brooks, Nancy Brooks, Rory Heflin, Cathy Heflin, Shirley Daniels, Dan Daniels, Sara Williamson, Jerry Williamson, Barbara Simpson, Calvert Simpson, Norma Shanks, Dan Shanks, Bryan Strand, Louie Patton, and Cora Patton (All but two of the Concerned Citizens have an address listed that is within one mile of the proposed facility.)

The first prong of 30 TAC § 55.205(a) is met because the hearing request was sent both timely and in proper form, and the Concerned Citizens meet the requirements of "affected person" status.

The second prong of 30 TAC § 55.205(a) is met because even though the request letter does not provide a detailed description of this group or association's purpose, it calls itself "Concerned Citizens of Beaver Lake Estates." The Concerned Citizens express generally that its purpose is to protect the health and welfare of the subdivisions residents and animals, as well as the quality of the suburb's environment, and those are issues relevant to this permitting action. Furthermore, the letter states the proposed facility is within a third of a mile of the proposed facility, and it is concerned about its children who play in the subdivision and the chemicals the children, the parents, and the pets might be exposed to if Applicant's permit for the proposed facility is granted. The letter also expresses concern for the wildlife and fishing lakes within the subdivision. The Concerned Citizens' interests it seeks to protect in this matter are germane to its purpose, because its interests and purpose are the very same.

The Concerned Citizens satisfy the third prong of 30 TAC § 55.205(a) because neither the claims it asserts nor the relief it request requires the participation of its individual members in this permitting action.

Therefore, the Concerned Citizens' request should be granted as a group or association, as they satisfy the requirements of 30 TAC § 55.205(a).



*D. Which issues in this matter should be referred to SOAH for hearing?*

If the Commission agrees with the assessment of the ED and finds that some or all of the hearing requesters are affected persons, the Commission must apply the three-part test discussed in Section II to the issues raised in this matter to determine if any of the issues should be referred to SOAH for a contested case hearing. The three-part test asks whether the issues involve disputed questions of fact, whether the issues were raised during the public comment period, and whether the issues are relevant and material to the decision on the permit application, in order to refer them to SOAH.

The ED addressed all public comments in this matter by providing responses in the RTC. The cover letter from the Office of the Chief Clerk transmitting the RTC cites 30 TAC § 55.201(d)(4), which states that requesters should, to the extent possible, specify any of the ED's responses in the RTC the requesters dispute and the factual basis of the dispute, and list any disputed issues of law or policy. In the absence of a response from any of the hearing requesters considered to be affected persons or their representatives within the thirty-day period after the RTC was mailed, the ED cannot determine or speculate whether the hearing requesters considered to be affected persons continue to dispute issues of fact, or whether there are any outstanding issues of law or policy. The ED nevertheless has included all of the issues raised by hearing requesters regarding this application as listed below.

*1. Issues involving questions of fact.*

Requesters raised the following issues in comments and hearing requests filed on this application:

1. Whether air emissions from the proposed facility will adversely affect human health and welfare.
2. Whether air emissions from the proposed facility will adversely affect the environment, including wildlife.
3. Whether air emissions from the proposed facility will adversely affect air quality in the area.
4. Whether air emissions from the proposed facility will result in nuisance conditions for the surrounding area.
5. Whether the proposed facility will use adequate control technologies and safety measures.
6. Whether Applicant's compliance history justifies denial of the permit renewal.
7. Whether the proposed facility will cause damage to physical property.
8. Whether the proposed facility will hurt the property value and the growth of the area.
9. Whether Applicant should have prepared an environmental impact study.
10. Whether Applicant should be allowed to build the facility at the proposed location.

11. Whether the proposed facility will adversely affect the surrounding water quality.

*2. Were the issues raised during the public comment period?*

The public comment period is defined in 30 TAC § 55.152. The public comment period begins with the publication of the Notice of Receipt and Intent to Obtain an Air Quality Permit. The end date of the public comment period depends on the type of permit. In this case, the public comment period began on October 18, 2005, and ended on August 26, 2010. All of the issues listed above upon which the hearing requests in this matter are based were raised in comments received during the public comment period.

*3. Whether the issues are relevant and material to the decision on the application.*

In this case, the permit would be issued under the Commission's authority in Tex. Water Code § 5.013(11) (assigning the responsibilities in Chapter 382 of the Tex. Health and Safety Code) and the TCAA. The relevant sections of the TCAA are found in Subchapter C (Permits). Subchapter C requires the Commission to grant a permit to construct or modify a facility if the Commission finds the proposed facility will use at least the best available control technology (BACT) and the emissions from the facility will not contravene the intent of the TCAA, including the protection of the public's health and physical property. In making this permitting decision, the Commission may consider Applicant's compliance history. The Commission by rule has also specified certain requirements for permitting. Therefore, in making the determination of relevance in this case, the Commission should review each issue to see if it is relevant to these statutory and regulatory requirements that must be satisfied by this permit application.

The ED finds the following issues relevant and material to the decision on the application:

1. Whether air emissions from the proposed facility will adversely affect human health and welfare.
2. Whether air emissions from the proposed facility will adversely affect the environment, including wildlife.
3. Whether air emissions from the proposed facility will adversely affect air quality in the area.
4. Whether air emissions from the proposed facility will result in nuisance conditions for the surrounding area.
5. Whether the proposed facility will use adequate control technologies and safety measures.
6. Whether Applicant's compliance history justifies denial of the permit renewal.
7. Whether the proposed facility will cause damage to physical property.

The ED finds the following issues are beyond the jurisdiction of TCEQ and thus not material to the decision on the application:

8. Whether the proposed facility will hurt the property value and the growth of the area.
9. Whether Applicant should have prepared an environmental impact study.
10. Whether Applicant should be allowed to build the facility at the proposed location.

The ED finds the following issues, although within the TCEQ's jurisdiction, not within the scope of this air permit review and thus not material to the decision on the application:

11. Whether the proposed facility will adversely affect the surrounding water quality.

#### **IV. Maximum Expected Duration of the Contested Case Hearing**

The ED recommends the contested case hearing, if held, should last no longer than six months from the preliminary hearing to the proposal for decision.

#### **V. Executive Director's Recommendation**

For the foregoing reasons, the Executive Director respectfully recommends the Commission:

- A. Find all hearing requests in this matter were timely filed.
- B. Find that the requests of the following groups or persons satisfy the requirements for form under 30 TAC§ 55.201(d) and are affected under 30 TAC § 55.203: Margaret Earnest, Robert Earnest, Charlene Elliot, Joseph Elliot, Earl Sabo, Emily Sabo, Don Rich, Betty Rich, and the Concerned Citizens of Beaver Lake Estates.

If the Commission determines any requester is an affected person, refer the following issues to SOAH:

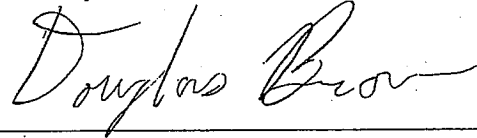
1. Whether air emissions from the proposed facility will adversely affect human health and welfare.
2. Whether air emissions from the proposed facility will adversely affect the environment, including wildlife.
3. Whether air emissions from the proposed facility will adversely affect air quality in the area.
4. Whether air emissions from the proposed facility will result in nuisance conditions for the surrounding area.
5. Whether the proposed facility will use adequate control technologies and safety measures.
6. Whether Applicant's compliance history justifies denial of the permit renewal.
7. Whether the proposed facility will cause damage to physical property.

- C. Find the maximum expected duration of the contested case hearing, if held, would be six months.

Respectfully submitted,  
Texas Commission on Environmental Quality  
Mark R. Vickery, P.G., Executive Director

Stephanie Bergeron Perdue, Deputy Director  
Office of Legal Services

Robert Martinez, Director  
Environmental Law Division



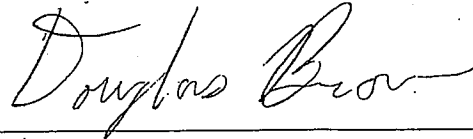
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Douglas M. Brown, Staff Attorney  
Environmental Law Division  
State Bar No. 24048366  
P.O. Box 13087, MC 173  
Austin, Texas 787113087  
(512) 239-2253

Representing the Executive Director of the  
Texas Commission on Environmental Quality

**CERTIFICATE OF SERVICE**

On the 14 day of February 2011, a true and correct copy of the foregoing instrument was served on all persons on the attached mailing list by the undersigned via deposit into the U.S. Mail, inter-agency mail, facsimile, electronic mail, or hand delivery.

A handwritten signature in cursive script, reading "Douglas Brown", written in dark ink.

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Douglas M. Brown

**Attachment A**  
**Map of Hearing Requesters**

# Midway Industrial Park, LLC

Permit No. 76962

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda



Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087

February 14, 2011



Projection: Texas Statewide Mapping System (TSMS)  
Scale 1:20,000

- Legend**
- Requestor's Property
  - ▲ Stack

**Source:** The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor. The vector data are U.S. Census Bureau 1992 TIGER/Line Data (1:100,000). The background of this map is a one-half meter photograph from the 2008 Texas Orthoregistry Project.

This map depicts the following:  
(1) The approximate location of the facility. This is labeled "Facility".  
(2) Circle and arrow depicting 1-mile radius. This is labeled "1-Mile Radius".  
(3) Points depicting the locations of the requestors. These are labeled with numbers corresponding to the list on the map. The points were located using Mapquest.  
(4) Point depicting the location of the stack. This is labeled "Stack".

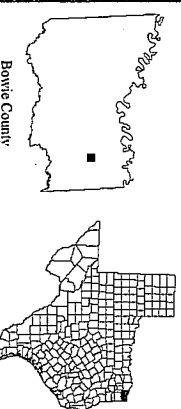
This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

MapDrawn: CTR-342756

ID	Name & Miles from Facility
1	Margaret & Robert Earnest .16
2	Charlene & Joseph Elliott .15
3	Thomas & Amy Yeldell .61
4	Gail & Norman Earnest .65
5	David & Linda Christian .61
6	Mark & Sherry Missildine .79
7	John & Nancy Brooks .61
8	Rory & Cathy Hefflin (not shown) 2.3
9	Shirley & Dan Daniels .77
10	Sara & Jerry Williamson .68
11	Barbara & Calvert Simpson .78
12	Norma & Dan Shanks .73
13	Bryan Strand .89
14	Louie & Cora Patton .64
15	Earl & Emily Sabo .72
16	Don & Betty Rich .72

Approximate Location of  
Proposed Facility

1-Mile Radius



The facility is located in Bowie County. The red square in the first inset map represents the approximate location of the facility. The second inset map represents the location of Bowie County in the state of Texas. Bowie County is shaded in red.

**MAILING LIST**  
**MIDWAY INDUSTRIAL PARK L.L.C.**  
**DOCKET NO 2010-2075-AIR; PERMIT NO. 76962**

**FOR THE APPLICANT:**

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James C. Larue, President  
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**FOR THE EXECUTIVE DIRECTOR:**

Via electronic mail:

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**FOR PUBLIC INTEREST COUNSEL**

Via electronic mail:

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Fax: (512) 239-6377

**FOR OFFICE OF PUBLIC ASSISTANCE**

Via electronic mail:

Ms. Bridget Bohac, Director  
TCEQ  
Office of Public Assistance, MC 108  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4000  
Fax: (512) 239-4007



**FOR ALTERNATIVE DISPUTE  
RESOLUTION**

Via electronic mail:

Mr. Kyle Lucas  
TCEQ  
Alternative Dispute Resolution, MC 222  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4010  
Fax: (512) 239-4015

**FOR THE CHIEF CLERK:**

Via electronic mail:

Ms. LaDonna Castanuela  
TCEQ  
Office of Chief Clerk, MC 105  
P.O. Box 13087  
Austin, Texas 78711-3087  
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